

UNDER SEAL

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

TYLER PHAM

Defendant.

Case No. 1:19-mj-548

UNDER SEAL



**AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Donald August Mockenhaupt, being duly sworn, depose and state as follows:

Agent Background

1. I am a duly appointed Special Agent of the Federal Bureau of Investigation ("FBI") and have been employed as such since February 2002. I am currently assigned to the Washington (D.C.) Field Office, Northern Virginia Resident Agency. I am on a squad that investigates darknet related narcotics trafficking and I have been assigned to this squad since February 2019. Since August 2004, the vast majority of my investigative assignments have been narcotics related cases.

2. As a FBI Special Agent, I have received extensive training in the enforcement of the criminal laws of the United States, as well as extensive training in criminal investigations. I have also participated in numerous investigations involving unlawful narcotics distribution. During my participation in these investigations, I have been involved in the application for and execution of many arrest and search warrants for narcotics related offenses, resulting in the prosecution and conviction of numerous individuals and the seizure of illegal drugs, illegal drug

proceeds, and other evidence of criminal activity. As a narcotics investigator, I have interviewed many individuals involved in drug trafficking and have obtained information from them regarding the acquisition, sale, importation, manufacture, and distribution of controlled substances. Through my training and experience, I am familiar with the actions, habits, traits, methods, and terminology utilized by traffickers of controlled dangerous substances.

3. I am submitting this affidavit in support of an arrest warrant and a criminal complaint charging the defendant, TYLER PHAM, with conspiracy to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

4. This affidavit does not contain every fact known to me regarding this investigation, but rather contains information necessary to demonstrate probable cause in support of the above-referenced criminal complaint and arrest warrant. All information contained in this affidavit is either personally known to me, has been related to me by other law enforcement officers, or has been related to me through reports, records or documents gathered during this investigation.

Initiation of Investigation

5. The United States, including the FBI, the U.S. Postal Inspection Service ("USPIS"), the Fairfax County Police Department, the Drug Enforcement Administration, and the Food and Drug Administration Office of Criminal Investigations, is conducting a criminal investigation of a darknet market ("DM") vendor that operates using the moniker "addy4cheap." A DM is a hidden commercial website that operates on a portion of the Internet that is often referred to as the TOR network, darkweb, or darknet. A DM operates as a black market, selling or brokering transactions involving legal products as well as drugs, weapons, counterfeit

currency, stolen credit card details, forged documents, unlicensed pharmaceuticals, steroids, and other illicit goods.

6. In August 2019, Darknet Opioid Task Force FBI agents interviewed an individual residing in Fairfax County, Virginia within the Eastern District of Virginia who was suspected of being a darknet drug recipient. The individual is referred to herein in the masculine, regardless of true gender. The individual stated that he had on multiple occasions purchased Adderall through a DM known as the Empire Market from a vendor using the moniker addy4cheap. He did not think that the pills that he received were pharmaceutical grade as he had a prescription for Adderall and the tablets from addy4cheap were different from those that he had been prescribed. The individual stated that he received the tablets via U.S. Mail and that the return address on the packages from addy4cheap was in Fairfax, Virginia. The individual provided agents with the tracking number from his most recent purchase from addy4cheap on the Empire Market.

7. A review of U.S. Postal Service ("USPS") business records indicated that the aforementioned individual had received three packages that were consistent with his description of the packages that he stated he had received from addy4cheap. All three parcels were shipped via USPS First Class Mail, contained tracking numbers, and bore the sender name "TXPRESS" with a return address in Fairfax County, Virginia. The records also indicated that at least one of the packages mailed to the individual was deposited at an external blue USPS collection box at the Chantilly Post Office in Chantilly, Virginia, located within the Eastern District of Virginia.

Addy4cheap's Vendor Accounts

8. During the course of this investigation, investigators reviewed darknet marketplaces and observed vendor accounts with the moniker addy4cheap offering drugs for sale

on the Empire Market and Cryptonia. On both of these DMs, the vendor using the addy4cheap moniker advertised the sale of Adderall. Addy4cheap offered Adderall for sale on the Empire Market and Cryptonia for quantities ranging from one to over 1000 tablets. The price for one tablet was listed at \$12 with the price per tablet decreasing if you purchase more. Addy4cheap scaled the prices such that the price per tablet is \$8 if you purchase 1,000 tablets or more.

9. Customers on the Empire Market have the ability, but are not required, to leave a review of any product that they purchase on the relevant vendor's profile. As of December 4, 2019, the vendor using the moniker addy4cheap on the Empire Market had 2,558 reviews which consisted of 2,512 positive reviews, 25 neutral reviews, and 21 negative reviews. As an investigator, this indicates to me that the vendor using the addy4cheap moniker has fulfilled at least 2,558 orders through the Empire Market. It is noted that the Empire Market lists addy4cheap as becoming a member of the DM on May 24, 2019. Therefore, between May 24, 2019 and December 4, 2019, addy4cheap appears to have executed at least 2,558 reviewed transactions. I suspect that the actual number of transactions for the sale of illegal narcotics by addy4cheap on the Empire Market exceeds 2,558 because customers are not required to leave a review. I also observed several negative reviews left for the vendor addy4cheap on the Empire Market. Some examples of the negative reviews are as follows: (1) "Tested positive for meth with simon a/b test", (2) "Not Adderall. Pressed pills. Tested positive for meth", (3) "Dishonest vendor. Says its authentic adderall and sends meth and sugar pressed into an "adderall" shape. Took this to study and ended up not sleeping for two days. It sucked. Do not buy", and (4) "I tested the pills and they contain Meth. I was pretty upset since he advertised them as 100% authentic. I messaged him and he said the most he could offer me was a 15% discount. Just beware buyer these are Meth pills!"

10. On November 7, 2019, I reviewed the addy4cheap vendor profile on Cryptonia. The profile indicated that addy4cheap had conducted 140 transactions and has been a member of the DM since June 29, 2019. I also reviewed the language in the terms and conditions and the refunds and dispute sections of the addy4cheap profile. That language was identical on addy4cheap's profile on both the Empire Market and Cryptonia.

Undercover Drug Purchases From Addy4cheap

11. Beginning in late August 2019, investigators began to conduct undercover drug purchases from addy4cheap via the Empire Market. Later in the investigation, investigators made undercover purchases from addy4cheap on Cryptonia as well. To initiate the transactions, the investigators logged into their undercover account on the Empire Market or Cryptonia and placed their orders with addy4cheap. The undercover investigators paid for the suspected narcotics with cryptocurrency obtained with official government funds. The suspected narcotics were then sent to the investigators via First Class Mail and the tablets were received several days after the undercover investigator ordered them. The below table lists the undercover purchases from addy4cheap. The table denotes the following: (1) the date that the undercover purchase was initiated, (2) the DM utilized by the undercover investigators, (3) the number of tablets ordered in that specific transaction, (4) the address of the general area of where the undercover investigator designated the drugs to be shipped to and (5) the return name on the envelope. The return name is also commonly referred to as the sender's name.

Date Ordered	DM	Number of Tablets	Location Mailed To	Return Name on Envelope
8/24/2019	Empire	11	Fairfax County, VA	TXPRESS
8/28/2019	Empire	20	Prince William County, VA	TXPRESS

Date Ordered	DM	Number of Tablets	Location Mailed To	Return Name on Envelope
9/1/2019	Empire	10	Fairfax County, VA	TRX Express
9/5/2019	Empire	16	Prince William County, VA	TRX Express
9/12/2019	Cryptonia	20	Loudoun County, VA	TRX Express
9/23/2019	Cryptonia	40	Loudoun County, VA	SMART BARGAIN
9/24/2019	Empire	10	Fairfax County, VA	TRX Express
9/30/2019	Empire	20	Prince William County, VA	TRX Express
10/1/2019	Cryptonia	20	Providence, RI	TRX Express
N/A ¹	Cryptonia	20	Providence, RI	TRX Express
10/9/2019	Empire	30	Anne Arundel County, MD	JUNGLE CO
10/15/2019	Empire	200	Prince William County, VA	RAISON EXPRESS
10/21/2019	Cryptonia	20	Providence, RI	RAISON EXPRESS
10/22/2019	Cryptonia	20	Loudoun County, VA	RAISON EXPRESS
10/29/2019	Cryptonia	100	Loudoun County, VA	RAISON EXPRESS
11/5/2019	Empire	Ordered 20, Received 24	Prince William County, VA	RAISON EXPRESS
11/6/2019	Cryptonia	20	Prince William County, VA	RAISON EXPRESS
11/12/2019	Cryptonia	20	Prince William County, VA	RAISON EXPRESS
11/19/2019	Empire	100	Prince William County, VA	RAISON EXPRESS
11/21/2019	Empire	19	Prince William County, VA	RAISON EXPRESS
11/27/2019	Empire	27	Anne Arundel County, MD	RAISON EXPRESS

¹ It is noted that there is no ordered date listed for one of the undercover drug purchases. The undercover investigator ordered 20 tablets on October 1, 2019 and asked for the tablets to be mailed to a Providence, Rhode Island address. The shipment arrived and a second package was mailed shortly thereafter with the same quantity of tablets. Investigators believe that this was a mistake made by addy4cheap because there was no payment for this second package.

12. All of the aforementioned tablets received from addy4cheap are peach in color and resemble those advertised on addy4cheap's vendor pages on the Empire Market and Cryptonia. Consistent with the advertisements by addy4cheap on the Empire Market and Cryptonia, upon visual inspection, investigators observed markings on the tablets of "A D" and "30" which is consistent with known markings for 30 milligram Adderall tablets, however, the purchased tablets appeared to be pressed. Tablets that are pressed are not produced by pharmaceutical companies, rather they are produced by black market drug traffickers.

13. All of the aforementioned tablets were shipped in padded envelopes via U.S. Mail, the method of shipment available through addy4cheap. The padded envelopes were manila or light gray. The return names and addresses on the packages changed throughout the investigation, but all of the return addresses were locations in Fairfax County, Virginia. Most of the packages contained one or two folded pieces of paper and a sealed black foil bag. Within the black foil bag was a clear re-sealable bag which contained the tablets. Three of the packages from "RAISON EXPRESS" contained empty raisin boxes where the tablets were inside clear re-sealable bags within raisin boxes. I know that individuals involved in selling drugs via the darknet try to disguise their drug shipments in order to avoid detection by law enforcement.

14. Some of the tablets ordered on August 24, 2019 were subsequently analyzed at the Commonwealth of Virginia Department of Forensic Science and it was determined that the tablets contained methamphetamine, a Schedule II controlled substance. The remaining tablets are pending laboratory analysis. Tablets ordered on September 12, 2019 and October 29, 2019, field tested positive for the presence of methamphetamine. Investigators weighed the tablets upon receipt and each individual tablet received through the undercover buys weighed

approximately 0.35 grams. The total number of tablets obtained from undercover purchases was 767 for an estimated total of 268 grams.

15. The controlled purchases described above involving the addy4cheap moniker were conducted using Bitcoin, a type of digital cryptocurrency. Functionally, it serves the same purpose as United States dollars, except that it is not tied to a central bank and is not regulated by a government body such as a treasury. Bitcoin transactions take place entirely online and offer a degree of anonymity to users. Bitcoin transactions are securely recorded in a public ledger called a blockchain. Based on my training and experience, individuals who are involved in criminal activity over the darkweb often purchase items in Bitcoin to conceal the true nature of the funds from law enforcement.

PHAM's Residence, Airport Stop, and Electronic Communications

16. PHAM resides in the 13000 block of Pennypacker Lane in Fairfax, Virginia (hereinafter referred to as the "Pennypacker Lane residence"). He previously shared this residence with his wife, LIEN KIM THI PHAN, a/k/a NANCY PHAN, prior to her arrest on December 9, 2019.²

17. On August 30, 2019, investigators identified a USPS Priority Mail parcel shipped from Plano, Texas scheduled for delivery at the Pennypacker Lane residence on August 31, 2019. The parcel contained a handwritten label addressed to "HoN LUCK"³ with a return

² LIEN KIM THI PHAN, a/k/a NANCY PHAN, HON LAM LUK, and DUONG THUY NGUYEN were charged in related case number 1:19-mj-515 with conspiracy to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

³ This spelling is how the name appeared on the label as written.

address of Garland, Texas. Further analysis of USPS records for previous mailings to the Pennypacker Lane residence from Texas between April 11, 2019 and September 23, 2019 revealed 21 total parcels sent, 13 of which were addressed to "Hon Luck."

18. Co-conspirators of the defendant were observed by investigators between August 2019 and December 2019 depositing numerous packages containing illegal narcotics in association with the darknet vendor addy4cheap. These individuals repeatedly mailed packages that were identical in many respects to drug laden packages that were obtained through undercover drug purchases. Those co-conspirators took measures to conceal their activity including: (1) mailing packages that did not have their true names and addresses listed as the return information, (2) utilizing multiple USPS collection boxes on the same day to deposit packages, (3) handling the packages in a manner to avoid leaving fingerprints and (4) operating in the late evening or early morning hours.

19. During the evening hours of September 24, 2019, investigators spoke with a law enforcement team assigned to Ronald Reagan Washington National Airport. As part of passenger screening, it was discovered that the defendant was carrying over \$30,000 in U.S. Currency. A drug detecting K-9 alerted to the money carried by the defendant and the money was seized by law enforcement.

20. Pursuant to a search warrant authorized by the Honorable Ivan D. Davis, on December 9, 2019, investigators searched the Pennypacker Lane residence. In a desk drawer that also contained the defendant's driver's license, investigators found 95 peach colored tablets and 100 tablets resembling MDMA. The peach colored tablets resemble those advertised on addy4cheap's vendor pages as well as the tablets obtained through the above-outlined controlled purchases. Both sets of tablets were inside black foil pouches which is packaging material

consistent with that used in all of the controlled buys described in further detail above. In addition to the tablets, investigators observed a note that read “Get crypto money \$” tacked on a bulletin board in the office area as well as a money counter and a scale.

21. Also pursuant to search warrants executed on December 9, 2019 authorized by the Honorable Ivan D. Davis, investigators searched the residence of one of the defendant’s co-conspirators, HON LAM LUK. During the search of LUK’s residence, investigators seized over 2.2 kilograms of peach tablets consistent with those advertised on addy4cheap’s vendor pages and obtained through controlled purchases. Investigators estimate that 2.2 kilograms of tablets equates to over 6,000 tablets. In addition to the suspected narcotics, investigators seized packaging material consistent with the undercover drug purchases to include padded envelopes and boxes of raisins.

22. Pursuant to the search warrants, investigators also seized several electronic devices, including from co-conspirators. The seized devices contain communications between the defendant and co-conspirators in which the defendant used the number 703-***-4549. This phone number ending in 4549 is subscribed to the defendant. The defendant was involved in electronic communications concerning addy4cheap regarding customer addresses, quantity of tablets ordered, and instructions for storing the supply of purported Adderall tablets, among other topics. In one group chat from October 2019, one participant wrote, “i think we need to find a safe place to store all the add.”⁴ In response to this suggestion, later in the chat the defendant wrote: “Yea . . that’s 100k worth of supplies,” and later further added: “Just put like 2-3 k at

⁴ All text from chats are as originally written including with respect to capitalization, punctuation, and spelling. LIEN KIM THI PHAN, a/k/a NANCY PHAN, and HON LAM LUK were part of the October 2019 group chat referenced herein.

home” and recommended that LUK, “Put the rest in a locker or storage.” In a later part of the thread, there is also mention of the specific DMs on which addy4cheap had vendor pages: “empire and cryptonia.”


Conclusion

23. Based on the foregoing, I submit that there is probable cause to believe that, from on or about August 2019 to on or about December 2019, within the Eastern District of Virginia and elsewhere, TYLER PHAM did unlawfully, knowingly and intentionally combine, conspire, confederate, and agree with others, both known and unknown, to unlawfully, knowingly, and intentionally distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.



Donald August Mockenhaupt
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
on the 27th day of December 2019.

 /s/ 
John F. Anderson
~~The Honorable John F. Anderson~~
United States Magistrate Judge